

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 96

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-16-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. ~~As used in~~ **(a) The definitions in this section apply throughout** this chapter.

(b) "Foundry products" means products cast from ferrous and nonferrous metals by foundries in the United States.

(c) "Person" means a natural person, corporation, limited liability company, partnership, or other business unit or association.

(d) "Public agency" means:

- (1) the state of Indiana, its departments, agencies, boards, commissions, and institutions; and
- (2) county, city, townships, school or conservancy districts, or other governmental units or districts;

that let public bids for construction or other public works under Indiana law.

(e) "Steel products" means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated, or otherwise similarly processed, or processed by a combination of two (2) or more of such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer, or other steel making process.

(f) "United States" ~~means~~ **refers to** the United States of America. ~~and The term~~ includes all territory, continental or insular, subject to the jurisdiction of the United States.

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SECTION 2. IC 5-16-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Each public agency shall require that every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works contain a provision that, if any steel **or foundry** products are to be used or supplied in the performance of the contract or subcontract, only steel **or foundry** products ~~as defined by this chapter~~ **made in the United States** shall be used or supplied in the performance of the contract or any of the subcontracts unless the head of the public agency determines, in writing, that the cost of steel **or foundry** products is ~~deemed~~ **considered** to be unreasonable.

(b) The head of each public agency shall issue rules which provide that, for purposes of subsection (a), ~~of this section~~, the bid or offered price of any steel **or foundry** products of domestic origin is not ~~deemed to be considered~~ unreasonable if ~~it the~~ price does not exceed the sum of:

- (1) the bid or offered price of like steel **or foundry** products of foreign origin (including any applicable duty); plus
- (2) a differential of fifteen percent (15%) of the bid or offered price of the steel **or foundry** products of foreign origin.

However, the fifteen percent (15%) differential provided by ~~clause~~ **subdivision** (2) may be increased to twenty-five percent (25%), if the head of the public agency determines that use of steel **or foundry** products of domestic origin would benefit the local or state economy through improved job security and employment opportunity. Whenever the head of a public agency determines that the differential should be increased above fifteen percent (15%) for a particular project, the head of the agency shall file a report with the governor and the legislative services agency detailing the reasons for such determination and the probable impact on the economy of the use of domestic steel **or foundry castings** in the project. A report filed under this subsection with the legislative services agency must be in an electronic format under IC 5-14-6.

SECTION 3. IC 5-16-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~The provisions of This chapter do does~~ not apply ~~where~~ if the head of the public agency determines, in writing, that steel **or foundry** products are not produced in the United States in sufficient quantities to meet the requirements of the contract.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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